

REMARKS

I. Introduction

Claims 1 to 34 are pending in the present application. In view of the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

II. Allowed Subject Matter

Applicants note with appreciation the indication that claims 5, 7, and 8 are allowed.

III. Provisional Double Patenting Rejection

As regards the provisional double patenting rejection, while Applicants do not necessarily agree with the merits of this provisional rejection, Applicants are prepared to file a terminal disclaimer over U.S. Patent Application Serial No. 10/360,889 upon withdrawal of all other rejections and an indication that the present application is otherwise in condition for allowance.

IV. Rejection of Claims 1 to 4 and 25 to 34 Under 35 U.S.C. § 102(b)

Claims 1 to 4 and 25 to 34 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,442,712 ("Kawamura"). It is respectfully submitted that Kawamura does not anticipate the present claims for at least the following reasons.

Claim 1 relates to a "method for operating a voice-supported system in a motor vehicle," including the feature of "determining a power of a signal as a function of frequency," and the feature of "adjusting the bandpass filter at least as a function of a **derivative** of the power of the signal with respect to frequency." Kawamura does not disclose or, even suggest, adjusting a bandpass filter at least as a function of a **derivative** of a power of a signal with respect to frequency.

The Final Office Action reflects an apparent misapprehension of the claimed subject matter. In this regard, the Final Office Action asserts that the derivative represents an infinitesimal change in a function with respect to one of its variables. However, a derivative is a **rate of change** of a function based on a variable. Thus, a derivative of a power of a signal with respect to frequency represents a **rate of change** of power of a signal with respect to frequency. Nothing

in Kawamura discloses or suggests adjusting the bandpass filter at least as a function of a derivative of a power of a signal with respect to frequency. Therefore, Kawamura cannot be considered to anticipate claim 1, or any of claims 2 and 9 to 25, which ultimately depend from claim 1.

Claim 3 relates to a “method for operating a voice-supported system in a motor vehicle,” including the feature of “determining the local maximum of the power of the signal as a function of the derivative of the power of the signal with respect to frequency.” As explained above, Kawamura does not disclose or even suggest a derivative of a power of a signal with respect to frequency. In addition, Kawamura does not disclose or suggest determining a local maximum of a power of a signal. Therefore, Kawamura also does not disclose or suggest all of the features included in claim 3. Accordingly, it is respectfully submitted that Kawamura does not anticipate claim 3.

Claim 4 relates to a “method for operating a voice-supported system in a motor vehicle,” including the feature of “determining the local maximum of the power of the signal as a function of a first derivative of the power of the signal with respect to frequency.” As explained above, Kawamura does not disclose or suggest determining a local maximum of a power of a signal as a function of a first derivative of a power of a signal with respect to frequency. Therefore, it is respectfully submitted that Kawamura does not anticipate claim 4.

Claim 26 relates to a “device for operating a voice-enhancement system,” including the feature of “decision logic configured to adjust the bandpass filter at least as a function of a derivative of a power of the signal with respect to frequency.” As explained above, Kawamura does not disclose or suggest a derivative of a power of a signal with respect to frequency. Therefore, Kawamura also does not disclose or suggest a decision logic configured to adjust a bandpass filter at least as a function of a derivative of a power of a signal with respect to frequency. Accordingly, it is respectfully submitted that Kawamura does not anticipate claim 26, or claims 27, 28, and 32, which depend from claim 26.

Claim 29 relates to a “device for operating a voice-enhancement system,” including the feature of “an arrangement configured to adjust the bandpass filter at least as a function of a derivative of the power of the signal with respect to frequency.” As explained above, Kawamura does not disclose or suggest a derivative of a power of a signal with respect to frequency. Therefore, Kawamura

cannot be considered to disclose or suggest an arrangement configured to adjust a bandpass filter at least as a function of a **derivative** of a power of a signal with respect to frequency. Accordingly, it is respectfully submitted that Kawamura does not anticipate claim 29, or claim 33, which depends from claim 29.

Claim 30 relates to a “device for operating a voice-enhancement system,” including “means for adjusting the bandpass filter at least as a function of a **derivative** of the power of the signal with respect to frequency.” As explained above, Kawamura does not disclose or suggest a **derivative** of a power of a signal with respect to frequency. Therefore, Kawamura cannot be considered to disclose or suggest means for adjusting a bandpass filter at least as a function of a **derivative** of a power of a signal with respect to frequency. Accordingly, it is respectfully submitted that Kawamura does not anticipate claim 30, or claim 34, which depends from claim 30.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 9 and 10 Under 35 U.S.C. § 103(a)

Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kawamura in view of U.S. Patent No. 6,125,187 (“Hanajima”). It is respectfully submitted that the combination of Kawamura and Hanajima does not render claim 9 and 10 unpatentable for at least the following reasons.

Claims 9 and 10 depend ultimately from claim 1. As explained above, Kawamura does not disclose or suggest all of the features of claim 1. Since Hanajima does not cure the critical deficiencies of Kawamura, the proposed combination does not disclose or suggest all of the features of claim 1, or of claims 9 and 10, which depend from claim 1. Therefore, it is respectfully submitted that the proposed combination of Kawamura and Hanajima does not render unpatentable claims 9 and 10.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claims 11 to 24 Under 35 U.S.C. § 103(a)

Claims 11 to 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kawamura and U.S. Patent No. 6,252,969 (“Ando”). It is

respectfully submitted that the combination of Kawamura and Ando does not render claims 11 to 24 unpatentable for at least the following reasons.

Claims 11 to 24 depend from claim 1. As explained above Kawamura does not disclose or suggest all of the features of claim 1. Since Ando does not cure the critical deficiencies of Kawamura, the proposed combination does not disclose or suggest all of the features of claim 1, or of claims 11 to 24, which depend from claim 1. Therefore, it is respectfully submitted that the proposed combination of Kawamura and Ando does not render unpatentable claims 11 to 24.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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